



PATENT APPLICATION #7

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

David R. Adams et al.

Group: 1624

Examiner: Bernhardt, Emily B,

Serial No. 10/010,058, filed December 7, 2001

For: **NOVEL PIPERAZINE DERIVATIVES**

RESPONSE UNDER 35 USC § 121

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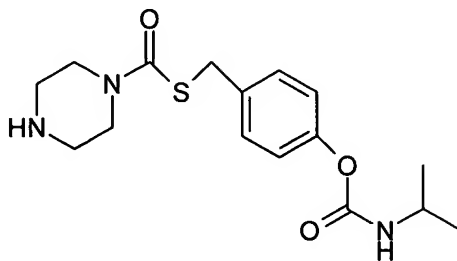
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Action of March 11, 2003, Applicants provide an election of Group I claims for prosecution in the present application. Applicants also thank the Examiner for the telephonic interview and interview summary clarifying the substituent designations encompassed within the various claim groupings.

Elected Group I encompasses claims 1-35, 38 and 41-42 in which A2 is aryl, cycloalkyl and substituted derivatives thereof, directed to compounds, simple compositions, and methods of treatment.

Applicants also elect the species of Example 63/claim 15. The structure is shown as follows:



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Applicants note that the law does not authorize the U.S. Patent Office to derive its own genus of compounds and require that it be carved out of existing claims. Applicants have the right under U.S. patent law to claim their invention using the limitations they provide to delineate the invention, as long as the requirements of 35 USC § 112 are met.

Also, the Examiner is required to follow the U.S. Patent Office procedures set forth in MPEP § 809. The Examiner must perform a search for all claims readable on the elected species. The elected species should be examined. If the species is patentable, then the next species should be examined, and so forth, until an unpatentable species is found. If no species is found unpatentable, then the generic claim should be allowed.

Applicants request reconsideration and withdrawal of the requirement for restriction.

It is believed that no fees are due. If any fees are owed, please charge our deposit account No. 08-2525.

Respectfully submitted,

  
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